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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,663	10/20/2000	Jonathan J. King	STE01 P-1069	7520
277	7590	06/22/2004	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,663

Applicant(s)

KING ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-6 and 11-24, 27-31 is/are allowed.
- 6) ☒ Claim(s) 7-9, 25, 26 and 32 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the relationship between the clip and the vertical frame member (claim 25)** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,023,896 Rothschild in view of Pub. No. US 20025/0069601 A1 Hodges et al.

In regard to claim 7: Rothschild discloses the claimed invention Fig. 1, column 5, line 47-56, a partition 10 including a partition frame having a horizontally extending upper frame member 16 defining an upper edge of the partition frame, having a pair of horizontally spaced apart vertical frame members 18, 20, each defining a first cross-sectional shape and having an upper end thereof secured to the upper frame member, Fig. 13, column 7, line 39-46 having a vertically extending support member 52 defining a second cross-sectional shape that is different than said first cross-sectional shape including a connector (fastening means) 54

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connected to the partition frame, having a hollow cap to cover the horizontal upper frame member which spaced above the frame member. Rothschild does not disclose having a lower portion for supporting the partition frame freestanding on a floor surface and having raceway with an elongated passageway to retain the utility lines and supported by the support member and spaced above the frame member. Hodges teaches Fig. 10, the page 2, paragraph 0048, a panels 2 having foot 4 to create a freestanding utility panels system. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the partition with lower support in order to create a freestanding panel system. It would have been obvious to one of ordinary skill in the art at the time of invention was made to used the hollow horizontal cap of Rothschild as a raceway in order to pass the utility line.

In regard to claim 8: Rothschild discloses the claimed invention Fig. 1, the first vertically extending support member 14 including a first support member 52; and having a second vertically extending support member 52 connected to the partition frame and supporting the horizontal hollow cap (raceway).

In regard to claim 9: Rothschild discloses the claimed invention Fig. 1, cap (raceway) has a U-shaped cross section.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,178,702 B1 Hand et al.

In regard to claims 25-26: Hand discloses the claimed invention Figs. 28, column 11, line 18-21, the vertical post 6 having opposite side faces, each side face including outwardly vertical row of openings (slots) 17, a clip (cover) 160 including a pair of extensions 161

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extending inwardly towards one another and received within one of selected opening 17 on the opposite side of faces.

Response to Arguments

Applicant's arguments with respect to claims 1-9 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 1-6, 12, 17-18 stand allowed.

Claims 11, 13-16, 19-24, 27-31 are allowed.

Claims 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,253,509 B1 Hellwing et al.

US Patent No. 6,363,663 B1 Kane et al.

US Patent No. 6,079,173 Waalkes et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-305-7687. The examiner can normally be reached on Monday-Friday from 8:00-

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5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na *no*

May 28, 2002


Carl D. Friedman
Supervisory Patent Examiner
Group 3600